G. R. S. 58]

Previous references.

Banking 08-09 Sy 3Re.
Bang 11 1915-16
(S.F.)

File No. 184-15

Serial Nos. 1 and 2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 and 2

Part B for March 1916.

SUBJECT.

Attachment of Surrender value due to Raghavendra Rao, late clerk Deputy Commr's office, Tumkur, towards arrears due to said Tumkur Co. Society.

Sl 1. Proposal-

States that out of the Surrender value of Rs 221 due to Raghavendra Rao the Deputy Commr has withheld Rs 82 and odd towards amount due to the local co-operative Society by the official and requests instructions whether the amount may be paid to the Society or to the Party.

W D 1351—GPB—20,000—13-12-15

Sl 2. Hl order-

Lays down that Insurance Bonus cannot be attached for amounts due to Co-operative

G. R. S. 11] 1915-16

GENERAL AND REVENUE SECRETARIAT.

Dy Finance

NOTES.

File No. 184-C5

FILE HEADING.

Attachment of surrender Value due to Rajavendra Row, late clerk Dy Comms office Tumkur, towards arrears due to the Tumkur C. Society.

From

The Comptroller.

No. 2400/TAD 378 Dated 21. 9. 15 Received 24. 9. 15

Diary No. 923	Enclos. Encl Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

States that out of the surrender Value of Rs 221 due to Rajavendra Row the Dy Comms has withheld Rs 82 & odd towards amount due to the local Cooperative Society by the official & requests instructions whether the amount may be paid to the Society or to the Heirs.

NOTES AND ORDERS.

1 The amount of surrender Value is absolutely protected except against — Govt claims of Govt if any such exist against the party (Rule 23 of the Surrender Rules)

NOTES—First Sheet.

GPB—20,000-8-8-14

Serial No.

2 It is not clear how the amount came to be attached at all ~~in the first place~~. It is very doubtful whether this amount of procedure is authorised under the provisions of the Co-operative Societies Regulation either. Branch VI may also be consulted.

Init BDR

27/9/15 ~~What is~~ The decree of the Co-operative Registrar ~~stands~~ is to be regarded as of the same character as a decree of a Civil Court and under it only such authority property can be attached & sold ~~of it~~ ~~as~~ as can be legally attached under the Civil Procedure Code &c.

4. Insurance bonus not being liable to attachment by a Civil Court, it cannot be attached ~~by~~ for a decree of the Co-operative Registrar either. The amount will have to be paid to the parties & not to the Co-operative Society in the present instance.

Re 29-9-15

Bys VI & III

5 Under Rule 5 of the Rules

NOTE—Contn. sheet.

GPB—25,000—30-4-15

mis 179-15

(3

G. R. S. 12]

General and Revenue Secretariat.

S. F. File No. 184 of 1915.

Serial No.

HD

issued under G.O.No. J 3508 - Legis 24-10-4 dated 15th May 1907 ~~a decree~~ the decree ~~of~~ passed by the Regr of C.C. is of the nature of a decree for arrears of Land Revenue.

SM 8/10/15 6 Can an Insurance policy be attached for Land rev.

Ans Bill 12.10 7 To Branch I for favour of furnishing the information

SM 12-10-15

I

LR 12.10.15

8 Under Sec 162 of the Land Rev Code, all such property as is exempt from attachment under the C.P.C. is also exempt from distraint or Sale ~~under~~ for arrears of Rev and under Sec 60 (b) of the C.P.C. Insurance policies cannot be attached for civil Court decrees - 9 But as an arrear of Land Rev is a Govt due & all Govt dues have to be deducted from the bonus according to Insurance Rules,

NOTE—Contn. sheet.

GPB—25,000—30-4-15

Serial No.

Such arrears are being to be recovered from the Insurance Clerk Lbd for 1885
SS
20/10.

(2) The bonus due on a policy will be at the disposal of Govt till it is paid to the insured or his heirs, and unless the public moneys due to Govt from the insured can be deducted from the bonus.

~~[illegible]~~.

(1) Where moneys due to Govt from any person are recoverable by law as 'arrears of land revenue', his right, title & interest in the property ~~[illegible]~~ possessed by him are sold for the recovery of the amount due. (Sections 193 & 161 of the L.R. code) The amount due to the Co-operative Society according to the

NOTE—Contn. sheet.

GPB—25,000—2-11-14

923

(5

G. R. S. 12]

General and Revenue Secretariat.

S.F. File No. 184 of 1915.

Serial No.

7

Registrar's decree is recoverable as arrears of land revenue under Rule 5 of the Rules under the Co-operative Societies Regn issued in G.O. No. J. 3508-Legs: 21.of-4 & 18.5.07

13 It is a point for consideration whether in view of the provisions of Sec: 162, the amount in question can be recovered from the Bonus.

14 The Govt Advocate may be unofficially Consulted.

23/10/15

15 Please put up a copy of Insurance rules.

Rules. 8 1945

To B-II. Kindly Send a copy of the Rules

24/10.

Put up. 28/10

Subd 29/10

16 Please put up Banking file 480/09

To B-II

17 Subd - The file is not available in the Records - Vide requisition slip

put up 3/11

18 The G.O. required from Branch III to day

put up 10/11/16

18-11-16

NOTE—Contn. sheet.

GPB—20,000—30-6-15

G. R. S. 12]

General and Revenue Secretariat.

G.F. File No. 184 of 1915.

Serial No. 14

Subd for orders with reference to paras 7 & 16 above.

Mad 18/1/16 18.1.16

(15) This is not an amount due to Govt, by the insured. No doubt the amount decreed by the Registrar of Co-operative Societies is recoverable as an arrears of land revenue, but it is of course subject to all the limitations that attach the recovery of such arrears is subject to. Under Sec 162 of the Land Revenue Code, properties to be exempt from attachment under Civil Court decrees, are also exempt from attachment for arrears of land Revenue. Since the Banus is exempt from attachment under Civil Court decrees, I think it cannot be attached for a debt due to a Co-operative Society.

21) The Govt Advocate may also be consulted if necessary.

Br II or VI.

19/1/16

Issued. 23)

Mad 21.1.16. Br III for Spencer

19/1 Br III

ks. 21/1/16

g.n.l

g Mis. 944-15.

NOTE—Contn. sheet.

GPB—20,000—30-6-15

7

General and Revenue Secretariat.

Gl. 7. File No. 784 of 191 .

Serial No.

294 Rule 5 of Subd. Under the Rules authorising the Registrar of Cooperative Societies to adjudicate in cases of disputes between members or past members of Societies and the Societies the decision or award sent to the D.C. has to be enforced by him as if the decision or award was a decree for arrears of Land Revenue. This only lays down that the procedure to be adopted by the D.C. in which recovering the amount is the same as in the case of a decree for arrear of Land Revenue. But if the property to be attached is one exempt from attachments under the C.P.C. such property is also exempt from attachment under sec: 162 of Land Revenue code and the Bonus to the Insured is one of such property. Therefore it cannot be attached for satisfying the decision or award of the Registrar of C.S. under Note 2 to 3506-Legis 21-06-4 & 18/5/07.

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat.

Gl. 7. File No. 184 of 1915.

Serial No. 25

Rule 23 of the Insurance Rules which authorises Govt to deduct what is due to itself by the insured before making payment of the Bonus amount does not apply to this case as the amount here deducted was not due to Govt by/as by the Co-operative Society concerned.

24/1/16 NLL.

26) The question for consideration is whether a sum of Rs 8 odd due to the Co-operative Society, can be withheld out of the surrender value of Rs 32 odd due to the Insured. Under Rule 23 of the Insurance Rules, Govt are entitled to deduct out of the surrender value only sums due to Government by the Insured. The Insurance Committee have therefore no right to withhold any sum due to any person other than the Government. It is therefore clear on a plain construction of the Rule itself, that the Co-operative Society has no claim to the money.

NOTE—Contn. sheet.

GPB—60,000—25-9-13.

General and Revenue Secretariat.

Suit File No. 184 of 1915.

Serial No.

27) This view is further strengthened by the underlying principles governing the Insurance Rules and the provisions regarding the exemption from attachment of the bonus or surrender value due to the insured.

28) It is urged that under Rule 5 of the Rules issued under the Co-operative Societies Regulation, the amount due under a decree may be recovered as if it were arrears of land revenue. It seems unnecessary to quote this at length. The portion relied upon reads thus:- 'The Deputy Commissioner shall thereupon enforce the decision as if it were a decree for arrears of Land Revenue."

29) These words have not the effect of converting the amount awarded into land revenue. The effect of the rule is merely to extend the procedure prescribed by the Land Revenue Code & the recovery of sums due to the Co-operative Society. As observed in a number of cases (where the wording of the Rule is exactly like the expression used in Rules), this expression has not the effect of converting such debts into an arrear of land revenue. (Vide Kadir Mohideen Marakkayar v Mathukrishnayyar 26M 230)

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S: 12]

General and Revenue Secretariat.

S. F. File No. 1554 of 191

Serial No.

30) It seems clear that the amount cannot be deducted but must be paid to the Insured.

Eg 29/1.

Dr II)
Secd. 31) Draft awarding Rs. 31.1.16
Cal Mbr
31/1

32 Draft Secd.

Cal Mbr 33 Put up City draft Rs. 3/2
1/2

34 City draft Secd.
Cal Mbr Desai) Rs 8/2
8/2

35 No objn - The law must have its straight course & we cannot go against it. Dr 12/2 Bom 14/2.

Hr Member
Dewan

36 draft altered & approved by Dewan

37. Home Rs 24/2.

1223

4449
22.2.16

M.A. to note this case in daily book - 2

NOTE—Contn. sheet.

GPB—70,000—17-12-15

7.23

1915-16
SECTION G-F
No. 184-15
Serial No. 1

It is requested that in future communications on the subject, the No. and date of this letter, and the distinguishing letters below the number as given opposite, may be quoted and addressed to the Comptroller, Mysore Government.

No. 2400
7a0I 378

OFFICE OF THE COMPTROLLER, MYSORE GOVERNMENT,

Dated Bangalore, the 21st September 1915.

FROM

J. S. CHAKRAVARTI, ESQ., M.A.,
F.R.A.S., etc.,
Comptroller to the Government of
His Highness the Maharaja of Mysore.

To

D. M. Narasinga Rao ESQ., B.A., B.L.,
Secretary to the Government of Mysore,
General *Department.*

SIR,

I have the honor to state that on receipt of a letter No.946 dated 3rd/6th September 1915 from the Secretary, State Life Insurance Committee, requesting this office to authorise the payment of the surrender value of Rs.221/- due to the insured C.Raghavendra Rao, late clerk, Deputy Commissioner's Office, Tumkur, the Deputy Commissioner was requested to kindly state if any amount was due to Government by the insured. He reports that no amount is due to Government but that a sum of Rs.82 and odd is due to the Tumkur Co-operative Society and that the Registrar of the Co-operative Societies has passed a decree against him and it has not been satisfied. A sum of Rs.83/- has therefore been with-held, and the Bangalore District Treasury instructed to pay the party only the net amount due. I request that you will be so good as to inform this office as to whether this amount should be paid to the party or to the Deputy Commissioner, Tumkur, in satisfaction of the Co-operative Society's demands.

I have the honor to be,
Sir,
Your most obedient servant,

Assistant ~~Comptroller~~.

SAM.

Rec.—Gl. 17]

.....Department.

191 .

FROM

J. S. CHAKRAVARTI, ESQ., M.A.,
F.R.A.S., etc.,
Comptroller to the Govt. of
H. H. the Maharaja of Mysore.

To

~~.....Esq.,~~

The Secretary to the Govt. of Mysore,
General .....*Dept.*

Dated 23

Despatched 7 September 1915

Received

No. 1400 Ja & L 378

Subject matter.

Requesting to inform as to whether payment of Surrender Value of Rs 221/- due to Munisami C. Ranga Vandimakkan who has no amount due to Govt. but that Rs 82/- said due to Junkur Co-operative Society may be deducted from the Sum due

5

S. O.

Insurance Bonus.

No. FL. 4213-62—G. F. 184-15-2, DATED 1ST MARCH 1916.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

READ—

Letter No. 2400—T. A. D. I. 378, dated 21st September 1915, from the Comptroller.

I have the honor to state that on receipt of a letter No. 946, dated 3rd—6th September 1915, from the Secretary, State Life Insurance Committee, requesting this office to authorise the payment of the surrender value of Rs. 221, due to the insured C. Raghavendra Rao, late clerk, Deputy Commissioner's Office, Tumkur, the Deputy Commissioner was requested to kindly state if any amount was due to Government by the insured. He reports that no amount is due to Government but that a sum of Rs. 82 and odd is due to the Tumkur Co-operative Society and that the Registrar of the Co-operative Societies has passed a decree against him and it has not been satisfied. A sum of Rs. 83 has therefore been withheld, and the Bangalore District Treasury instructed to pay the party only the net amount due. I request that you will be so good as to inform this office as to whether this amount should be paid to the party or to the Deputy Commissioner, Tumkur, in satisfaction of the Co-operative Society's demands.

Order No. Fl. 4213-62—G. F. 184-15-2, dated 1st March 1916.

Under Rule 23 of the Insurance Rules only sums due to Government by the insured may be deducted out of the bonus or surrender value. Under Rule 5 of the Rules issued under the Co-operative Societies Regulation in Government Order No. J. 3508—Legis. 21-06-4, dated 18th May 1907, the Deputy Commissioner can enforce the decision of the Registrar of Co-operative Societies as if it were a decree for arrears of land revenue; but this provision has not the effect, converting the debt into one due to Government. An insurance bonus is by law exempt from attachment.

The attachment effected by order of the Deputy Commissioner should therefore be cancelled, and the sum of Rs. 83 withheld out of the surrender value due to Raghavendra Rao should be paid to him.

J. S. CHAKRAVARTI,
Financial Secretary to Government.

To—The Comptroller, Mysore Government.
The Secretary, Insurance Committee.
The Registrar, Co-operative Societies.
The Heads of Departments and Deputy Commissioners of Districts.

Exd.—G. R.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. Fl. 4213-62—G. F. 184-15-2, dated 1st Mar. 1916

Insurance Bonus.

Lays down that — cannot be attached for amounts due to a Co-operative Society.

W D 2250—G P D—23-3-16—400

2 x 25/2

Fair draft

5 copies

3

G.R.S. 28]

File No/84-15

Serial No.

Diary No. of letter replied to 923

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

(G 2)

, the 191

READ—

Letter No 2400/T.a.D I 378 dated 21-9-15 from the Comptroller

Here enter letter in extenso

Date of issue 1-3-16

Signed by M Shamanna

ORDER THEREON.—No. H 4213-62 & 1° Records/16

Under rule 23 of the Insurance Rules only sums due to govt by the insured may be deducted out of the sums or

over

SUBJECT.

GPB—50,000—1-12-12

14

surrender Value. ~~and not surrendered~~

to ~~any one else~~

~~further~~ Under rule 5 of the Rules issued under the Cooperative Societies Regulation in G.O. No T35-08 Legs 21-06-4 dd 18-5-1907 the Dy Comm can enforce the decision of the Registrar of Cooperative Societies as if it were a decree for arrears of land revenue; but this process has not the effect converting the debt into one due to Govt. An insurance bonus is by law exempt from attachment.

~~but an insurance bonus cannot~~ ~~and~~ for arrears of land revenue insurance bonus amounts which are exempt from attachment under the Civil Procedure Code cannot be proceeded against

The attachment effected by order of the Dy C- should therefore be cancelled &

~~In the above circumstances it is hoped~~ that the sum of Rs 83 withheld out of the surrender value due to Rajavendra Row should be paid to him. ~~and not to the Dy Comm~~

~~Time bar Dt.~~

To be printed.

Secretary

Rough draft in Tabled by Secy

28/2/16

To the Comptr

" Secy Insurance committee

" Registrar Cooperative Societies

Heads of Depts & Dy Comms of Districts